

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FERMIN CRUZ and BELINDA ROMERO-BARRON,
individually and in behalf of all
other persons similarly situated,

ORDER

15cv3228 (JBW) (MDG)

Plaintiffs,

-against-

HAM N EGGERY DELI INC. d/b/a NEW YORK
DELI, NEW YORK CAFETERIA INC. d/b/a
NEW YORK DELI and KOSTAS KALOUDIS,
jointly and severally,

Defendants.

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Plaintiffs having moved for leave to send a notice of
collective action (DE 18), the motion is granted as follows:

1. This action may proceed as a collective action under the
Fair Labor Standards Act, 29 U.S.C. §§ 216(b), et seq., and shall
include as putative party plaintiffs all employees of the
defendants, who were employed any time after June 3, 2012, three
years before the filing of the complaint in this action.

2. The Court approves the joint proposed notice of collective
action and consent form, but amended with the changes set forth in
a marked version annexed hereto.

3. The plaintiff shall mail by October 7, 2016 the revised
notice of collective action to putative party plaintiffs, along
with an accurate Spanish translation of the revised notice of
collective action.

4. The deadline for putative collective members to submit or mail a consent to the plaintiff's counsel or the Court shall be December 7, 2016.

5. The plaintiff must send to the defendants a poster containing the notice of collective action in English and Spanish. Within seven days after its receipt, the defendants must post the poster in a conspicuous place at the work place that is used or visited by all employees, and at all other locations where statutory notices to employees are posted.

6. Plaintiff's counsel must file executed consents received from opt-in collective action members every two weeks beginning November 21, 2016, with a final report to be filed by December 21, 2016 on the number of persons opting-in to this collective action.

SO ORDERED.

Dated: Brooklyn, New York
September 26, 2016

/s/_____
MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE
(718) 613-2550